



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

November 15, 2010

Dr. Margaret A. Hamburg, Commissioner
Food and Drug Administration
10903 New Hampshire Ave.
Silver Spring, Maryland 20993

Re: Alcoholic Energy Drinks

Dear Dr. Hamburg:

We are writing to express our deep concern regarding alcoholic energy drinks (AEDs) and ask for an expedited opinion from the Food and Drug Administration as to the safety of those beverages.

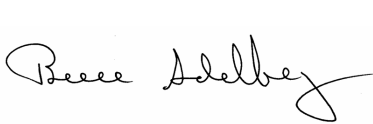
As the Attorney General for the state of Oregon, Director of the Oregon Health Authority and Director of Corrections, and as leaders of Oregon's Alcohol and Drug Policy Commission, we are concerned about the health, safety and wellbeing of our citizens. There is growing evidence that AEDs are a public health and public safety concern; we are directly responsible for the consequences.

As you know, last month, nine college students from Washington were hospitalized after drinking the caffeinated alcoholic beverage Four Loko. Twenty-three students at Ramapo College in New Jersey were hospitalized after consuming AEDs. The Centers for Disease Control has stated that the consumption of alcohol and caffeinated energy drinks increases the likelihood of binge-drinking by threefold.

Data shows us that young Oregonians are also drinking AEDs in increasing numbers. It stands to reason; the products are similar in look and feel to popular non-alcoholic energy drinks, they are economical and they are marketed using methods that appeal to young people. Last week, the Director of the Oregon Liquor Control Commission asked for the drinks to be voluntarily pulled from the shelves until the effects of caffeinated alcoholic beverages can be evaluated.

We thank FDA for asking AED manufacturers to provide evidence demonstrating that the use of caffeine and alcohol in beverages is Generally Recognized As Safe (GRAS). We also appreciate FDA's efforts to conduct a thorough investigation of the evidence. However, given the growing prevalence of these beverages and a growing concern for public health and safety, we urge FDA to expedite its recommendation as to the safety of AEDs.

Sincerely,



Dr. Bruce Goldberg
Director,
Oregon Health Authority



John R. Kroger
Attorney General



Max Williams
Director of Corrections



Members of the Oregon Alcohol and Drug Policy Commission:

Anthony Biglan, Oregon Research Institute
Lane Borg, Metropolitan Public Defenders
Jack Costello, Principal, JC Consulting
Judith Cushing, CEO, Oregon Partnership
Sheriff Dennis Dotson, Lincoln County
Sarah Goforth, Central City Concern
Timothy Hartnett, Executive Director, CODA Inc.
Erin Hubert, Entercomm
John King, Miracles Club
Ann Lininger, Commissioner, Clackamas County
Dennis McCarty, Ph.D, Oregon Health and Science University
State Senator Laurie Monnes Anderson, Chair, Health Care Committee
Randy Schoen, City of Medford Chief of Police and Oregon Association of Chiefs of Police
Cameron Smith, Office of Governor Ted Kulongoski
Timothy Thompson, District Attorney, Union County
State Representative Carolyn Tomei, Chair, Human Services Committee